

KL 10/26/16

UNITED STATES DISTRICT COURT

for the

Southern District of Texas

United States Court
Southern District of Texas
FILED

OCT 26 2016

United States of America

v.

Allan Wayne McNeill

)

Case No.

David J. Bradley, Clerk of Court

H16-1574M

Defendant(s)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of Aug 28, 2016 - Oct 26, 2016 in the county of Harris in theSouthern District of Texas, the defendant(s) violated:*Code Section**Offense Description*

18 U.S.C. § 2252A (a)(2)(B)

Any person who knowingly receives any material that contains child pornography that has been mailed, or using any means or facility of interstate or foreign commerce shipped or transported in or affecting interstate or foreign commerce by any means, including by computer. Any person who knowingly possesses any material that contains an image of child pornography that has been mailed or shipped or transported using any means or facility of interstate or foreign commerce or in or affecting interstate or foreign commerce by any means, including by computer.

18 U.S.C. § 2252A (a)(5)(B)

This criminal complaint is based on these facts:

See attached Affidavit.

 Continued on the attached sheet.


Complainant's signature

Ryan J. Shultz, FBI Special Agent

Printed name and title

Sworn to before me and signed in my presence.

Date: October 26, 2016


Judge's signature

City and state: Houston, Texas

US Magistrate Judge Stephen Wm. Smith

Printed name and title

AFFIDAVIT IN SUPPORT OF CRIMINAL COMPLAINT

I, Ryan J. Shultz, being duly sworn, hereby depose and state the following:

1. I am a Special Agent of the Federal Bureau of Investigation (FBI) and have been so employed since September 2008. I am charged with the duty of investigating violations of the laws of the United States, collecting evidence in cases in which the United States is or may be a party in interest and performing other duties imposed by law. During my assignment with the FBI I have participated in the execution of search warrants for documents and other evidence, including computers and electronic media, in cases involving child pornography and the sexual exploitation of children. I have investigated many cases involving child pornography and the sexual exploitation of children. I have also participated in various FBI mandated and volunteer training for the investigation and enforcement of federal child pornography laws in which computers were used as the means for receiving, transmitting and storing child pornography as defined in Title 18, United States Code, Section 2256.
2. This affidavit is submitted for the limited purpose of establishing probable cause in support of the attached Complaint and therefore contains only a summary of the relevant facts. I have not included each and every fact known by me concerning the individuals and events described herein. The information contained in this affidavit is based on my firsthand knowledge as well as information obtained through witness interviews conducted by me or other Law Enforcement Officers or Special Agents of the FBI and a review of various records.
3. On or about October 7, 2016, your Affiant received online CyberTipline Report #14051267 from the National Center for Missing and Exploited Children (NCMEC). The report was initiated by Yahoo and detailed that an online subscriber of Yahoo's services uploaded several images of suspected child pornography to Yahoo's proprietary servers.
4. According to the details of the report, the images of suspected child pornography were uploaded on August 28, 2016 between 11:02:49 and 17:40:02 UTC. The aforementioned image uploads were associated with Yahoo user name

“S2DJLQFX4J5LX3EJHOMYAY4OOI”, which Yahoo identified as subscriber name “Allan McNeill”. Yahoo also provided the IP address associated with the image uploads as 99.162.201.251, which was registered to AT&T Internet Services.

5. In addition, Yahoo also provided in the CyberTipline Report a sample of the images of suspected child pornography that were uploaded to their proprietary servers. Your Affiant reviewed the images and believes, based on his training and experience, that the files uploaded from IP address 99.162.201.251 are child pornography as defined in Title 18, United States Code, Section 2256. The file names and a description of five of the image files downloaded from IP address 99.162.201.251 were described as follows:

Filename: img.22-1.jpg

Description: This is a still image file depicting an underage female, who appears to be under the age 12, nude and lying on her back with her legs spread. The words “FUCK ME” are written in black just below her waistline and a Playboy symbol is displayed on her skin directly above her vagina. She is being vaginally penetrated by an erect adult penis while another erect adult penis appears to have ejaculated onto her torso.

Filename: img.5-1.jpg

Description: This is a still image file depicting an underage female, who appears to be under the age 10, nude and lying on her back with her legs spread. She is being orally penetrated by an erect adult penis and vaginally penetrated by a foreign object.

Filename: img.20-1.jpg

Description: This is a still image file depicting an underage female, who appears to be under the age 10, lying on her back and being orally penetrated by an erect adult penis.

Filename: img.11-1.jpg

Description: This is a still image file depicting an underage female, who appears to be under the age 14, nude and standing with her arms and legs spread, thereby exposing her vagina to the camera. Her mouth is taped shut and clothespins have been attached to her areolas and vaginal tissues.

Filename: img.25-1.png

Description: This is a still image file depicting an underage female, who appears to be under the age 12, being orally penetrated by an erect adult penis.

6. On October 7, 2016, your Affiant served AT&T Internet Services with administrative subpoena #332322 in pursuit of subscriber information associated with the IP address configuration of August 28, 2016 from 11:02:49 to 17:40:02 UTC. On October 15, 2016, a response received from AT&T Internet Services identified the subscriber as Patti McNeill at a residential address on Prairie Village Drive in Katy, Texas. As of the date of the response, the account was regarded as being in “active” status.
7. On October 17, 2016, a check of the online database CLEAR showed that Patti McNeill was married to Allan Wayne McNeill, who, according to Texas Department of Public Safety records lived at that aforementioned address.
8. A query through the Texas Workforce Commission database revealed that Allan Wayne McNeill was a registered employee with the Katy Independent School District (ISD). Further investigation determined that Allan Wayne McNeill was employed within the Food Administration Department of Katy ISD.
9. On October 26, 2016, FBI Houston executed a federal search warrant at the aforementioned residence in Katy, Texas. During the course of the search, your Affiant observed a laptop computer in the living room area of the residence. A brief on-site preview of that device revealed the presence of approximately 200 image and video files which meet the federal definition of child pornography. The victims portrayed in the aforementioned files were mostly female, ranging in age from toddlers to young teenagers, and appeared to be engaged in sex acts to include masturbation as well as oral and vaginal penetration. Specifically, your Affiant observed a still image file named “img.11-1.jpg”, as previously described above, as well as other image and video files that portrayed female minors, who appeared to be under the age of 10, being orally and/or vaginally penetrated by an erect adult penis.
10. Allan Wayne McNeill, hereinafter referred to as “McNeill”, was encountered at the time of the search warrant execution and, after being advised of his *Miranda Rights*, agreed to make a statement. McNeill stated that he was in possession of child pornography materials which would be located on his personal laptop computer, the same device which investigators located in the living room area of the residence. McNeill advised that he had been viewing child pornography for approximately the past five or ten years

and had obtained most of the child pornography he was in possession of through online chats or messaging applications.

11. Your affiant requested that McNeill review a contact sheet which contained several images of child pornography that law enforcement had obtained through the aforementioned CyberTipline Report. McNeill agreed to review the contact sheet and subsequently stated that he recognized all of the images as child pornography he had previously downloaded and viewed from his personal laptop computer.
12. McNeill confirmed that he had been an employee of Katy Independent School District for approximately the past five years and more specifically prepared food and served food to students at Seven Lakes High School in Katy, Texas.

CONCLUSION

13. Based on all information set forth above, your Affiant believes there is probable cause to believe that from August 28, 2016 through October 26, 2016, Allan Wayne McNeill, was in violation of Title 18 U.S.C. § 2252A (a)(2)(B) and 2252A (a)(5)(B)- the receipt and possession of child pornography.



Ryan J. Shultz, SA [FBI]

Subscribed and sworn before me this 26th day of October 2016.



Stephen Wm. Smith
United States Magistrate Judge